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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/687,510	10/12/2000	John J. Gabrick	MINMAT.P02	1134

7590 04/10/2003
Patrick M. Dwyer PC
Suite 114
1818 Westlake Avenue N
Seattle, WA 98109

EXAMINER

TO, BAOQUOC N

ART UNIT	PAPER NUMBER
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2172

DATE MAILED: 04/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



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Office Action Summary

Application No.

09/687,510

Applicant(s)

GABRICK ET AL.

Examiner

Baoquoc N To

Art Unit

2172

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

1. Claims 1-16 are pending in this application.

Claim Objections

2. Claims 1 and 12 are objected to because of the following informalities: The word IP needs to be clearly stated as "Intellectual Property". Appropriate correction is required.

Response to Arguments

3. Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hecksel et al. (US. Patent No. 6,151,707).

Regarding on claims 1 and 12, Hecksel teaches a system for web based development and exploitation of IP, the system comprising:

- a. attracting a plurality of innovator (user), each having at least one innovation (characteristic of user) (col. 4, lines 5-10);
- b. attracting at least one developer (publisher or manufacturer), the developer having stated requirements and verifiable resources for development of IP (col. 4, lines 45-50);
- c. registration innovation data related to an innovation in a database on a storage medium connected to an information network (register software program) (col. 4, lines 1-4);

Hecksel does not explicitly teach making innovation data available to a developer and developer data available to at least one innovator. However, Hecksel teaches, "registration software program 24 assists the user in registering a software program 34 or hardware with its publisher or manufacturer, and performing a variety of post-

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registration activities" (col. 4, lines 43-48). This teaches the user is associated the registering software and the publisher is associated with user. Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to include the user associated with the software product and the publisher or manufacturer is associated the registered software in order to provide matching between the manufacturer with the software and the user with the manufacturer in order to provide the registration process to allow the software to be shared among people.

Regarding on claim 2, Hecksel teaches the database is operably stored for random retrieval on a storage medium (col. 4, lines 1-3).

Regarding on claims 3 and 15-16, Hecksel teaches updates and changes to innovation related data are also stored in the innovation database (update and change registration) (col. 4, lines 21-30).

Regarding on claims 4 and 13, Hecksel teaches the match module is adapted to match one or more innovations with one or more developers (col. 4, lines 45-57).

Regarding on claim 5, Hecksel teaches a tracking module, whereby any status or outcome of any matching activity related to the innovation is made available to a user (col. 4, lines 17-30).

Regarding on claim 6, Hecksel teaches any status outcome of matching activity related to the innovation is also operably stored in a tracking database for later retrieval by a user (col. 2, lines 27-30).

Regarding on claims 7 and 8, Hecksel teaches status or outcome of matching activity is fed for storage to the innovation database (save before updating) (col. 6, lines 16-20).

Regarding on claim 8, Hecksel teaches the innovation database and the tracking database are interoperably connected for data sharing (col. 6, lines 18-21).

Regarding on claim 9, Hecksel teaches at least one module resides on a computing device (col. 4, lines 21-30).

Regarding on claim 10, Hecksel teaches at least one different module resides on a different computing device, and the two computing devices are interconnected for data communication over an information network (col. 4, lines 55-60).

Regarding on claim 11, Hecksel teaches the information network is a global information network (software registration is the information network) (col. 5, lines 1-22).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Harrell et al. (US. 2002/0016727A1) Pub. Date: Feb. 7, 2002

Takano et al. (US. 6,434,580 B1) Patent Date: Aug. 13, 2002

Contact Information

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Baoquoc N. To whose telephone number is (703) 305-1949 or via e-mail BaoquocN.To@uspto.gov. The examiner can normally be reached on Monday-Friday: 8:00 AM – 4:30 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y. Vu can be reached at (703) 305-4393.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231.

The fax numbers for the organization where this application or proceeding is assigned are as follow:

- (703) 746-7238 [After Final Communication]]
- (703) 746-7239 [Official Communication]
- (703) 746-7240 [Non-Official Communication]

Hand-delivered responses should be brought to:

Crystal Park II
2121 Crystal Drive
Arlington, VA 22202
Fourth Floor (Receptionist).

Baoquoc N. To
March 6, 2003


KIM VU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100